

94-462-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: * 12111 BEAVER DAM ROAD
see pages 5, 6 of the CHECKLIST for additional required information

Subdivision name: * BROADMOOR
plat book # 39, folio # 36, lot # A, sections 1, PLAT 2

OWNER: DANIEL ZIEGFELD

LOCATION INFORMATION

Councilmanic District: 3RD
Election District: 8TH
1"=200' scale map: NW 18 C
Zoning: DR-1 (1975) RC-4 (1994)
Lot size: 1.021 acreage 44,477 square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
MDK 445

PETITIONER'S EXHIBIT 1

North
date: 8/12/24
prepared by: WKEE & ASSOC., INC. Scale of Drawing: 1"= 80'

LOCATION PLAN
Scale: 1"= 1/2 Mile

PETITIONER'S EXHIBIT No 2

Approved plat

EM, JR. 39 FOLIO 36
Filed for record



94-462-A # 445
11/1/2000 SCALE
MAP NW 18 C

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshall's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 445,446,449,450,451,452, 453, AND 454.

RECEIVED
MAY 27 1994

REVIEWER: LT. ROBERT F. BAUERWALD
Fire Marshal Office, PHONE 687-4931, RS-1106F

cc: File

RE: PETITION FOR VARIANCE
13111 Beaver Dam Road
SW/S Beaver Dam Road, 25 feet SE of
centerline Ivy Hill Road, 8th
Election Dist., 3rd Councilmanic Dist.
Daniel W. Ziegfeld, III and
Constance R. Ziegfeld
Petitioners

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-462-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

94-462-A

Ziegfeld

owned prop for 18 years -

was zoned D.R.-1

plat recorded - 1976
therefore using old reg

1.01 acres

originally couldn't get septic area
eventually got septic area approved
drilled well

3900 sq. feet - home

here area limited home
to 13R

House location is problem
due to septic area
+ Buffington's well

no adverse impact -

Re: no alk. substances present
no adverse impact -

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

February 22, 1994

(410) 887-3733

Mr. Guy C. Ward, R.S.
McKee & Associates
5 Shawan Road
Hunt Valley, MD 21030

Re: 13111 Beaver Dam Road, E.D. 8
TA #17-00-006054

Dear Mr. Ward:

A representative of this office, Mr. J. Robert Powell & Ms. Clare S. Bruner, R.S. conducted soil evaluations on 10/26/93 & 2/1/94 regarding the above referenced lot(s), the results of which are attached.

Based on the evaluations and the revised site plan dated February 7, 1994, APPROVAL will be granted for the installation of a private sewage disposal system. Soil Percolation tests will be valid for a period of five (5) years from the date of tests, approval letter or record plat, whichever is most recent. At the expiration of this period of time, the results will become void without notice to that effect having been given by the Approving Authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

The following are comments which concern persons developing property:

Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a building permit.

PETITIONER'S
EXHIBIT

RECEIVED FEB 24 1994

23.92
MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555
Facsimile: (410) 527-1563
February 11, 1994

Mr. J. Robert Powell, Supervisor
Soil Evaluation Section
Groundwater Management Division
Baltimore County D.E.P.R.M.
401 Bosley Avenue, Room 416
Towson, Maryland 21204

Re: 13111 Beaver Dam Road

Dear Mr. Powell:

We are writing you on behalf of our client, Mr. & Mrs. Daniel Ziegfeld, owners of the above referenced property. We would like to request a variance to the minimum 10 foot setback from a septic reserve area to a property line.

Currently, the required setbacks to property lines, streams, and wells are restricting the most ideal areas on-site for the installation of the septic system. We are requesting that the septic reserve area be allowed to be placed within two feet of the property line, so that the septic system, maybe installed in the most suitable location. It is our understanding that acceptable percolation tests have been conducted near the area.

In order to facilitate the installation of the septic system this close to the property line, both the septic reserve area and the property line will be staked in the field prior to starting the installation.

Should you have any question or require any additional information, please do not hesitate to call. Thank you for your consideration in this matter.

Very truly yours,

McKEE & ASSOCIATES, INC.

Guy C. Ward, R.S.

GCW:ajw

FILE: 94012/powell

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
County Courts Building
401 Bosley Avenue - Towson, MD 21204

REJECTION LETTER
September 11, 1989

Ms. Connie Ziegfeld
705 Ivy Hill Road
Baltimore, MD 21030

Parcel A - Plat 2 - Sec. 1
Re: Broadmoor - 13111 Beaver Dam Road
E.D. 8 - Tax Account #17-00-006054

Dear Ms. Ziegfeld:

A representative of this office, Susan S. Farinetti, R.S., conducted soil evaluations on the referenced property on September 6, 1989. The results of the tests are as follows:

TEST PIT	DRAWDOWN	DEPTH	SOIL
A	-	-	Clay 0-5 ft.; CVM Clay 5-10 ft.; Wet CVM Clay 10-12 ft.; Water @ 12 ft.
B	-	-	Clay 0-7 ft.; Wet CVM Sand 7-13 ft.; Water @ 13 ft.
C	-	-	Clay 0-4 ft.; CVM Sand 4-12 ft.; Wet CVM Sand 12-14 ft.; Water @ 14 ft.
D	-	-	Clay 0-12 ft.; Wet CVM Sand 12-13 ft.; Water @ 13 ft.

CVM=Cockeysville Formation

Based on the unsatisfactory test results referenced above, approval cannot be granted for the installation of a private sewage disposal system on the property.

If there are any questions regarding this matter, please contact at 887-2762 between 8:30 - 9:30 a.m.

Ms. Susan Farinetti

Very truly yours,

Robert J. Aschenbrenner
Robert J. Aschenbrenner
Director
WATER AND SEWER DIVISION

RJA: SS:ssl

cc: Assessment Department, MS# 4200

REJ (rev. 3/89)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
J. McKee	5 SHAWAN RD Hunt Valley
D.W. ZIEGFELD	705 Ivy Hill Rd 21030
Connie Ziegfeld	" " "
James Grammer	5 Shawan Road Hunt Valley
Deanne Sakellaris	702 Ivy Hill Rd 21030

Printed with Soybean Ink
on Recycled Paper

Printed with Soybean Ink
on Recycled Paper

SPECIFIED BY BALT. CO. DEPRM
A VARIANCE HAS BEEN REQUESTED TO THE MINIMUM REQUIRED TO FOOT PROPERTY LINE SETBACK FOR SEPTIC RESERVE AREAS.
PRIOR TO THE INSTALLATION OF THE SEWAGE DISPOSAL SYSTEM THE SEPTIC RESERVE AREA AND THE PROPERTY LINE BETWEEN LOT 11 AND PARCEL "A" MUST BE STAKED BY A LICENSED SURVEYOR.
A MAXIMUM OF A 3 BEDROOM HOME WILL BE PERMITTED UTILIZING A CONVENTIONAL SEWAGE DISPOSAL SYSTEM. A 4 OR MORE BEDROOM HOME MUST INSTALL A SAND MOUND SYSTEM.
McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
HUNT VALLEY, MD 21030
PHONE - (410) 527-1555

REVISED PERC PLAN
FOR
ZIEGFELD PROPERTY
PARCEL "A"
PLAT 2 SECTION 1
REBUS OF LOTS 11 & 12
"BROADMOOR"
239/36
SCALE 1" = 50' - FEB. 7, 1994
8th ELECT. DIST. BALT CO., MD.

receipt
74-462-A
Date 5/16/94
Ziegfeld, Daniel - 1311 Beaver Dam Rd
080-200-0000 - \$ 50.00
080-1 sign posting - \$ 35.00
Total - \$ 85.00
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES
Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.
PAYMENT WILL BE MADE AS FOLLOWS:
1) Posting fees will be assessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.
Arnold Jablon, Director
For newspaper advertising:
Item No.: 445
Petitioner: DANIEL W. ZIEGFELD, III & WIFE
Location: IVY HILL ROAD, 322' +/- SW'LY FROM BEAVER DAM RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DANIEL W. ZIEGFELD, III
ADDRESS: 705 IVY HILL ROAD
COCKEYSVILLE, MD 21030
PHONE NUMBER: 955-8835
MUST BE SUPPLIED

TO: PUTNEY PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian
Please forward billing to:
Daniel W. Ziegfeld, III
705 Ivy Hill Road
Cockeysville, Maryland 21030
955-8835
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-462-A (Item 445)
13111 Beaver Dam Road
SM/S Beaver Dam Road, 25 feet SE of centerline Ivy Hill Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Daniel W. Ziegfeld, III and Constance R. Ziegfeld
HEARING: MONDAY, JUNE 27, 1994 at 10:00 a.m., Rm. 118, Old Courthouse
Variance to permit a 65-foot setback to street c/l in lieu of the required 75 feet; and to permit a 40-foot setback to a side street and a 40-foot rear yard setback in lieu of the 50-foot minimum setback required for each.
LAURENCE E. SCHWIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
May 26, 1994
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-462-A (Item 445)
13111 Beaver Dam Road
SM/S Beaver Dam Road, 25 feet SE of centerline Ivy Hill Road
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Arnold Jablon, Director
cc: Daniel W. Ziegfeld, III and Constance R. Ziegfeld
McGee & Associates, Inc.
NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
June 17, 1994
Mr. & Mrs. Daniel W. Ziegfeld, III
705 Ivy Hill Road
Cockeysville, MD 21030
RE: Case No. 94-462-A, Item No. 445
Petition for Variance
Petitioner: Daniel W. Ziegfeld, et ux
Dear Mr. & Mrs. Ziegfeld:
The above-referenced petition and accompanying plans were accepted for filing on May 16, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties, i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.
1. The Director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

Mr. & Mrs. Ziegfeld
June 17, 1994
Page 2
2. Any attorney choosing to file without preliminary review should be fully aware of their responsibility for accuracy and completeness. Any petition(s) filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. There may be insufficient time, however, to correct the petition after the comments are made; and therefore, if the petition(s) was/were filed incorrectly, there is the possibility that another hearing would be required or that the zoning commissioner would deny the petition.
3. Attorneys, engineers, and applicants who make appointments to file petitions on a regular basis and who fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time any further appointments are made. Failure to keep those appointments without 72 hours advance notice will result in the forfeiture of the filing fees.
If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton at 887-3391 or the commenting agency.
W. Carl Richards, Jr.
Zoning Supervisor
WCR:cm
Enclosures

Maryland Department of Transportation
State Highway Administration
O. James Lighthizer
Secretary
Hal Kassoff
Administrator
5-25-94
Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Baltimore County
Item No. 445 (MJK)
Dear Ms. Minton:
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.
Please contact Bob Small at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.
Very truly yours,
Bob Small
DAVID N. RHISEY, ACTING CHIEF
John Comestabile, Chief
Engineering Access Permits
Division
BS/
My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: June 1, 1994
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Petitions from Zoning Advisory Committee
The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 429, 440, 444, 445, 449, 450, 453 and 454.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.
Prepared by: Jeffrey W. Long
Division Chief: Pat Keller
PK/JL:lw
ZAC. 440/PZONE/ZAC1

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Beaver Dam Road, 25 ft. * ZONING COMMISSIONER
SE of c/1 Ivy Hill Road *
13111 Beaver Dam Road *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Daniel W. Ziegfeld, III, et ux * Case No. 94-462-A
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 13111 Beaver Dam Road in the Broadmoor subdivision of Baltimore County. The Petition is filed by Daniel W. Ziegfeld, III and Constance R. Ziegfeld, his wife, property owners. Variance relief is requested from the strict application of Section 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1971 RTA requirements) to permit a 65 ft. setback to a street centerline in lieu of the required 75 ft. Also requested is a variance from Section 1802.3.C.1 of the B.C.Z.R. to allow a 40 ft. setback to side street distance and 40 ft. rear yard setback in lieu of the minimum required 50 ft. setback for each. The subject property and relief requested is more particularly shown on the site plan marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were the property owners, Daniel W. Ziegfeld, III and Constance R. Ziegfeld, his wife. Also appearing on behalf of the Petitioners were James McKee and James Grammer from McKee and Associates, Inc. That firm prepared the site plan for this property. Also appearing in support of the Petitioners was Deanna Sakellaris, who resides in the vicinity. There were no other interested persons or Protestants present.

Testimony and evidence presented was that the subject property is 1.021 acres in area and is presently zoned R.C.4. This lot was previously

part of a recorded subdivision known as Broadmoor. That subdivision was recorded among the Land Records of Baltimore County by way of a plat filed for record on February 26, 1976. That plat identified the subject property as parcel A. In that the lot is part of that recorded subdivision plat, development on same is regulated by the RTA requirements and regulations in existence at that time.

Presently, the site is undeveloped. Mr. Grammer indicated that development of the subject lot was extensively delayed due to environmental concerns and the inability of the property owners to obtain an approved septic reserve area. In fact, evidence was submitted (Petitioners' Exhibit No. 4) which disclosed that the original application for an approved area was denied due to failed perk tests. However, ultimately, the Office of Environmental Protection and Resource Management (DEPRM) did approve a septic system and well area.

The proposed septic reserve area is, in fact, shown on Petitioners' Exhibit No. 1. Moreover, the proposed well location is, likewise, shown. In addition, a well on an adjacent property owned by John R. and Mary H. Buffington is shown. Due to the placement of these well and septic areas, the building area available on the site is limited. Specifically, environmental regulations require certain setbacks from well and septic areas to any area to be disturbed by house construction. As a result of these regulations, the house must be placed in the southern portion of the lot as shown on the site plan. Moreover, due to these limitations, the requested variances are required. Also, Mr. Grammer advised that DEPRM has limited the size of the dwelling due to the environmental constraints.

As to the surrounding locale, it is clear that the proposed dwelling will be compatible with other houses in the area. It is to be noted that Mr. and Mrs. Ziegfeld presently reside on a lot immediately next door. It

-2-

is their intention to sell that dwelling and move into the proposed home. Ms. Sakellaris, who appeared in support of the Petition, resides immediately across Ivy Hill Road. Neither Mr. Buffington nor Mrs. Buffington appeared to express opposition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solow, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular par-

-3-

cel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of June, 1994 that a variance from Section 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1971 RTA requirements) to permit a 65 ft. setback to a street centerline in lieu of the required 75 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the B.C.Z.R. to allow a 40 ft. setback to side street distance and 40 ft. rear yard setback in lieu of the minimum required 50 ft. setback for each, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

-4-

ORDER RECEIVED FOR FILING

Date 6/29/94
By M. Ziegfeld

ORDER RECEIVED FOR FILING

Date 6/29/94
By M. Ziegfeld

ORDER RECEIVED FOR FILING

Date 6/29/94
By M. Ziegfeld

ORDER RECEIVED FOR FILING

Date 6/29/94
By M. Ziegfeld

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 28, 1994

Mr. and Mrs. Daniel W. Ziegfeld, III
705 Ivy Hill Road
Cockeysville, Maryland 21030

RE: Case No. 94-462-A
Petition for Variance
Property: 13111 Beaver Dam Road

Dear Mr. and Mrs. Ziegfeld:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att:
cc: Messrs. Jim McKee & James Grammer, McKee and Assoc., Inc.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13111 Beaver Dam Road
which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.4 to permit a 65' setback to street centerline in lieu of the required 75' (1971 RTA requirements) and section 1802.3.C.1 to permit a 40' setback to a side street, and a 40' rear yard setback in lieu of the 50' minimum setback for each. (1971 Requirements)

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

1. The area remaining between the required zoning setbacks and required D.E.P.R.M. setbacks do not provide a building envelope adequate to support the proposed dwelling.

2. Other good and sufficient testimony to be provided at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Correct Punctuation

Type or Print Name

Signature

Address

City State Zip

Attorney for Petitioner

Type or Print Name

Signature

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Type or Print Name

Signature

Address

City State Zip

Attorney for Petitioner

Type or Print Name

Signature

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

Phone No.

Address

City State Zip

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555
Facsimile: (410) 527-1563

May 16, 1994

ZONING DESCRIPTION
13111 BEAVER DAM ROAD
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Ivy Hill Road (50 feet wide) at a distance of 322 feet, more or less, southwest of the centerline of Beaver Dam Road.

Being Parcel "A" as shown on the Plat of the Resubdivision of Lots 11 & 12, Part of Plat 2, Section 1, Broadmoor recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 39, folio 36.

Also known as 13111 Beaver Dam Road. Containing 1.021 acres, more or less, in the Eighth Election District.

445

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 6/1/94
Posted for: Variance
Petitioner: Daniel W. & Constance R. Ziegfeld
Location of property: 13111 Beaver Dam Rd. Bk. 39, p. 36
Location of Sign: Along roadway, on property being posted
Remarks: None
Posted by: M. Ziegfeld Date of return: 6/1/94
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 3, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 2, 1994.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

94-462-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: * 12111 BEAVER DAM ROAD
see pages 5, 6 of the CHECKLIST for additional required information

Subdivision name: * BROADMOOR
plat book # 39, folio # 36, lot # A, sections 1, PLAT 2

OWNER: DANIEL ZIEGFELD

LOCATION INFORMATION

Councilmanic District: 3RD
Election District: 8TH
1"=200' scale map: NW 18 C
Zoning: DR-1 (1975) RC-4 (1994)
Lot size: 1.021 acreage 44,477 square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
MDK 445

PETITIONER'S EXHIBIT 1

North
date: 8/12/24
prepared by: WKEE & ASSOC., INC. Scale of Drawing: 1"= 80'

LOCATION PLAN
Scale: 1"= 1/2 Mile

PETITIONER'S EXHIBIT No 2

Approved plat

EM, JR. 39 FOLIO 36
Filed for record



94-462-A # 445
11/1/2000 SCALE
MAP NW 18 C

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshall's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 445,446,449,450,451,452, 453, AND 454.

RECEIVED
MAY 27 1994

REVIEWER: LT. ROBERT F. BAUERWALD
Fire Marshal Office, PHONE 687-4901, RS-1106F

cc: File

RE: PETITION FOR VARIANCE
13111 Beaver Dam Road
SW/S Beaver Dam Road, 25 feet SE of
centerline Ivy Hill Road, 8th
Election Dist., 3rd Councilmanic Dist.
Daniel W. Ziegfeld, III and
Constance R. Ziegfeld
Petitioners

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-462-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

94-462-A

Ziegfeld

owned prop for 18 years -

was zoned D.R.-1

plat recorded - 1976
therefore using old reg

1.01 acres

- originally couldn't get septic area
- eventually got septic area approved
drilled well

3900 sq. feet - home

here area limited home
to 13R

House location is problem
due to septic area
+ Buffington's well

no adverse impact -

Re: no alk. substances present
no adverse impact -

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

February 22, 1994

(410) 887-3733

Mr. Guy C. Ward, R.S.
McKee & Associates
5 Shawan Road
Hunt Valley, MD 21030

Re: 13111 Beaver Dam Road, E.D. 8
TA #17-00-006054

Dear Mr. Ward:

A representative of this office, Mr. J. Robert Powell & Ms. Clare S. Bruner, R.S. conducted soil evaluations on 10/26/93 & 2/1/94 regarding the above referenced lot(s), the results of which are attached.

Based on the evaluations and the revised site plan dated February 7, 1994, APPROVAL will be granted for the installation of a private sewage disposal system. Soil Percolation tests will be valid for a period of five (5) years from the date of tests, approval letter or record plat, whichever is most recent. At the expiration of this period of time, the results will become void without notice to that effect having been given by the Approving Authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

The following are comments which concern persons developing property:

Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a building permit.

PETITIONER'S
EXHIBIT

RECEIVED FEB 24 1994

23.92
MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555
Facsimile: (410) 527-1563
February 11, 1994

Mr. J. Robert Powell, Supervisor
Soil Evaluation Section
Groundwater Management Division
Baltimore County D.E.P.R.M.
401 Bosley Avenue, Room 416
Towson, Maryland 21204

Re: 13111 Beaver Dam Road

Dear Mr. Powell:

We are writing you on behalf of our client, Mr. & Mrs. Daniel Ziegfeld, owners of the above referenced property. We would like to request a variance to the minimum 10 foot setback from a septic reserve area to a property line.

Currently, the required setbacks to property lines, streams, and wells are restricting the most ideal areas on-site for the installation of the septic system. We are requesting that the septic reserve area be allowed to be placed within two feet of the property line, so that the septic system, maybe installed in the most suitable location. It is our understanding that acceptable percolation tests have been conducted near the area.

In order to facilitate the installation of the septic system this close to the property line, both the septic reserve area and the property line will be staked in the field prior to starting the installation.

Should you have any question or require any additional information, please do not hesitate to call. Thank you for your consideration in this matter.

Very truly yours,

McKEE & ASSOCIATES, INC.

Guy C. Ward, R.S.

GCW:ajw

FILE: 94012/powell

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
County Courts Building
401 Bosley Avenue - Towson, MD 21204

REJECTION LETTER
September 11, 1989

Ms. Connie Ziegfeld
705 Ivy Hill Road
Baltimore, MD 21030

Parcel A - Plat 2 - Sec. 1
Re: Broadmoor - 13111 Beaver Dam Road
E.D. 8 - Tax Account #17-00-006054

Dear Ms. Ziegfeld:

A representative of this office, Susan S. Farinetti, R.S., conducted soil evaluations on the referenced property on September 6, 1989. The results of the tests are as follows:

TEST PIT	DRAWDOWN	DEPTH	SOIL
A	-	-	Clay 0-5 ft.; CVM Clay 5-10 ft.; Wet CVM Clay 10-12 ft.; Water @ 12 ft.
B	-	-	Clay 0-7 ft.; Wet CVM Sand 7-13 ft.; Water @ 13 ft.
C	-	-	Clay 0-4 ft.; CVM Sand 4-12 ft.; Wet CVM Sand 12-14 ft. Water @ 14 ft.
D	-	-	Clay 0-12 ft.; Wet CVM Sand 12-13 ft.; Water @ 13 ft.

CVM=Cockeysville Formation

Based on the unsatisfactory test results referenced above, approval cannot be granted for the installation of a private sewage disposal system on the property.

If there are any questions regarding this matter, please contact at 887-2762 between 8:30 - 9:30 a.m.

Ms. Susan Farinetti

Very truly yours,

Robert J. Aschenbrenner
Robert J. Aschenbrenner
Director
WATER AND SEWER DIVISION

RJA: SS:ssl

cc: Assessment Department, MS# 4200

REJ (rev. 3/89)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
V. McKee	5 SHAWAN RD Hunt Valley
D.W. ZIEGFELD	705 Ivy Hill Rd 21030
Connie Ziegfeld	" " "
James Grammer	5 Shawan Road Hunt Valley
Deanne Sakellaris	702 Ivy Hill Rd 21030

Printed with Soybean Ink
on Recycled Paper

Printed with Soybean Ink
on Recycled Paper

SPECIFIED BY BALT. CO. DEPRM
4. A VARIANCE HAS BEEN REQUESTED TO THE MINIMUM REQUIRED TO FOOT PROPERTY LINE SETBACK FOR SEPTIC RESERVE AREAS.
5. PRIOR TO THE INSTALLATION OF THE SEWAGE DISPOSAL SYSTEM THE SEPTIC RESERVE AREA AND THE PROPERTY LINE BETWEEN LOT 11 AND PARCEL "A" MUST BE STAKED BY A LICENSED SURVEYOR.
6. A MAXIMUM OF A 3 BEDROOM HOME WILL BE PERMITTED UTILIZING A CONVENTIONAL SEWAGE DISPOSAL SYSTEM. A 4 OR MORE BEDROOM HOME MUST INSTALL A SAND MOUND SYSTEM.
McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
HUNT VALLEY, MD 21030
PHONE - (410) 527-1555

REVISED PERC PLAN
FOR
ZIEGFELD PROPERTY
PARCEL "A"
PLAT 2 SECTION 1
REBUS OF LOTS 11 & 12
"BROADMOOR"
1:239/36
SCALE 1" = 50' - FEB. 7, 1994
8th ELECT. DIST. BALT CO., MD.

receipt
74-462-A
Date 5/16/94
Ziegfeld, Daniel - 1311 Beaver Dam Rd
080-200-0000 - \$ 50.00
080-1 sign posting - \$ 35.00
Total - \$ 85.00
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES
Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.
PAYMENT WILL BE MADE AS FOLLOWS:
1) Posting fees will be assessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.
Arnold Jablon, Director
For newspaper advertising:
Item No.: 445
Petitioner: DANIEL W. ZIEGFELD, III & WIFE
Location: IVY HILL ROAD, 322' +/- SW'LY FROM BEAVER DAM RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DANIEL W. ZIEGFELD, III
ADDRESS: 705 IVY HILL ROAD
COCKEYSVILLE, MD 21030
PHONE NUMBER: 955-8835
MUST BE SUPPLIED

TO: PUTNEY PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian
Please forward billing to:
Daniel W. Ziegfeld, III
705 Ivy Hill Road
Cockeysville, Maryland 21030
955-8835
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-462-A (Item 445)
13111 Beaver Dam Road
SM/S Beaver Dam Road, 25 feet SE of centerline Ivy Hill Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Daniel W. Ziegfeld, III and Constance R. Ziegfeld
HEARING: MONDAY, JUNE 27, 1994 at 10:00 a.m., Rm. 118, Old Courthouse
Variance to permit a 65-foot setback to street c/l in lieu of the required 75 feet; and to permit a 40-foot setback to a side street and a 40-foot rear yard setback in lieu of the 50-foot minimum setback required for each.
LAURENCE E. SCHWITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
May 26, 1994
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
CASE NUMBER: 94-462-A (Item 445)
13111 Beaver Dam Road
SM/S Beaver Dam Road, 25 feet SE of centerline Ivy Hill Road
8th Election District - 3rd Councilmanic
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Variance to permit a 65-foot setback to street c/l in lieu of the required 75 feet; and to permit a 40-foot setback to a side street and a 40-foot rear yard setback in lieu of the 50-foot minimum setback required for each.
Arnold Jablon, Director
cc: Daniel W. Ziegfeld, III and Constance R. Ziegfeld
McGee & Associates, Inc.
NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
June 17, 1994
Mr. & Mrs. Daniel W. Ziegfeld, III
705 Ivy Hill Road
Cockeysville, MD 21030
RE: Case No. 94-462-A, Item No. 445
Petition for Variance
Petitioner: Daniel W. Ziegfeld, et ux
Dear Mr. & Mrs. Ziegfeld:
The above-referenced petition and accompanying plans were accepted for filing on May 16, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties, i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.
1. The Director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

Mr. & Mrs. Ziegfeld
June 17, 1994
Page 2
2. Any attorney choosing to file without preliminary review should be fully aware of their responsibility for accuracy and completeness. Any petition(s) filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. There may be insufficient time, however, to correct the petition after the comments are made; and therefore, if the petition(s) was/were filed incorrectly, there is the possibility that another hearing would be required or that the zoning commissioner would deny the petition.
3. Attorneys, engineers, and applicants who make appointments to file petitions on a regular basis and who fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time any further appointments are made. Failure to keep those appointments without 72 hours advance notice will result in the forfeiture of the filing fees.
If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton at 887-3391 or the commenting agency.
W. Carl Richards, Jr.
Zoning Supervisor
WCR:cm
Enclosures

Maryland Department of Transportation
State Highway Administration
O. James Lighthizer
Secretary
Hal Kassoff
Administrator
5-25-94
Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Baltimore County
Item No. 445 (MJK)
Dear Ms. Minton:
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.
Please contact Bob Small at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.
Very truly yours,
Bob Small
DAVID N. RHISEY, ACTING CHIEF
John Comestabile, Chief
Engineering Access Permits
Division
BS/
My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: June 1, 1994
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Petitions from Zoning Advisory Committee
The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 429, 440, 444, 445, 449, 450, 453 and 454.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.
Prepared by: Jeffrey W. Long
Division Chief: Pat Keller
PK/JL:lw
ZAC. 440/PZONE/ZAC1

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Beaver Dam Road, 25 ft. * ZONING COMMISSIONER
SE of c/1 Ivy Hill Road *
13111 Beaver Dam Road *
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Daniel W. Ziegfeld, III, et ux * Case No. 94-462-A
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 13111 Beaver Dam Road in the Broadmoor subdivision of Baltimore County. The Petition is filed by Daniel W. Ziegfeld, III and Constance R. Ziegfeld, his wife, property owners. Variance relief is requested from the strict application of Section 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1971 RTA requirements) to permit a 65 ft. setback to a street centerline in lieu of the required 75 ft. Also requested is a variance from Section 1802.3.C.1 of the B.C.Z.R. to allow a 40 ft. setback to side street distance and 40 ft. rear yard setback in lieu of the minimum required 50 ft. setback for each. The subject property and relief requested is more particularly shown on the site plan marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were the property owners, Daniel W. Ziegfeld, III and Constance R. Ziegfeld, his wife. Also appearing on behalf of the Petitioners were James McKee and James Grammer from McKee and Associates, Inc. That firm prepared the site plan for this property. Also appearing in support of the Petitioners was Deanna Sakellaris, who resides in the vicinity. There were no other interested persons or Protestants present.

Testimony and evidence presented was that the subject property is 1.021 acres in area and is presently zoned R.C.4. This lot was previously

part of a recorded subdivision known as Broadmoor. That subdivision was recorded among the Land Records of Baltimore County by way of a plat filed for record on February 26, 1976. That plat identified the subject property as parcel A. In that the lot is part of that recorded subdivision plat, development on same is regulated by the RTA requirements and regulations in existence at that time.

Presently, the site is undeveloped. Mr. Grammer indicated that development of the subject lot was extensively delayed due to environmental concerns and the inability of the property owners to obtain an approved septic reserve area. In fact, evidence was submitted (Petitioners' Exhibit No. 4) which disclosed that the original application for an approved area was denied due to failed perk tests. However, ultimately, the Office of Environmental Protection and Resource Management (DEPRM) did approve a septic system and well area.

The proposed septic reserve area is, in fact, shown on Petitioners' Exhibit No. 1. Moreover, the proposed well location is, likewise, shown. In addition, a well on an adjacent property owned by John R. and Mary H. Buffington is shown. Due to the placement of these well and septic areas, the building area available on the site is limited. Specifically, environmental regulations require certain setbacks from well and septic areas to any area to be disturbed by house construction. As a result of these regulations, the house must be placed in the southern portion of the lot as shown on the site plan. Moreover, due to these limitations, the requested variances are required. Also, Mr. Grammer advised that DEPRM has limited the size of the dwelling due to the environmental constraints.

As to the surrounding locale, it is clear that the proposed dwelling will be compatible with other houses in the area. It is to be noted that Mr. and Mrs. Ziegfeld presently reside on a lot immediately next door. It

-2-

is their intention to sell that dwelling and move into the proposed home. Ms. Sakellaris, who appeared in support of the Petition, resides immediately across Ivy Hill Road. Neither Mr. Buffington nor Mrs. Buffington appeared to express opposition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solow, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular par-

-3-

cel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of June, 1994 that a variance from Section 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1971 RTA requirements) to permit a 65 ft. setback to a street centerline in lieu of the required 75 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the B.C.Z.R. to allow a 40 ft. setback to side street distance and 40 ft. rear yard setback in lieu of the minimum required 50 ft. setback for each, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm


-4-

ORDER RECEIVED FOR FILING
Date 6/29/94
By M. Ziegfeld

ORDER RECEIVED FOR FILING
Date 6/29/94
By M. Ziegfeld

ORDER RECEIVED FOR FILING
Date 6/29/94
By M. Ziegfeld

ORDER RECEIVED FOR FILING
Date 6/29/94
By M. Ziegfeld

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
June 28, 1994

Mr. and Mrs. Daniel W. Ziegfeld, III
705 Ivy Hill Road
Cockeysville, Maryland 21030

RE: Case No. 94-462-A
Petition for Variance
Property: 13111 Beaver Dam Road

Dear Mr. and Mrs. Ziegfeld:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att:
cc: Messrs. Jim McKee & James Grammer, McKee and Assoc., Inc.

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 13111 Beaver Dam Road
which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.4 to permit a 65' setback to street centerline in lieu of the required 75' (1971 RTA requirements) and section 1802.3.C.1 to permit a 40' setback to a side street, and a 40' rear yard setback in lieu of the 50' minimum setback for each. (1971 Requirements)

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

1. The area remaining between the required zoning setbacks and required D.E.P.R.M. setbacks do not provide a building envelope adequate to support the proposed dwelling.

2. Other good and sufficient testimony to be provided at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Correct Print Name/Name

Type or Print Name

Signature

Address

City State Zipcode

Attorney for Petitioner

Type or Print Name

Signature

Address

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)
Legal Owner(s)

Type or Print Name

Signature

Type or Print Name

Signature

Address

City State Zipcode

Name Address and phone number of person to whom all notices should be sent

McKee & Associates, Inc. 527-1555

5 Shawan Road, Hunt Valley, MD 21030

OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING

on following date

ALL OTHER

REVIEWED BY DATE

94-462-A
MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563
May 16, 1994

ZONING DESCRIPTION
13111 BEAVER DAM ROAD
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Ivy Hill Road (50 feet wide) at a distance of 322 feet, more or less, southwest of the centerline of Beaver Dam Road.

Being Parcel "A" as shown on the Plat of the Resubdivision of Lots 11 & 12, Part of Plat 2, Section 1, Broadmoor recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 39, folio 36.

Also known as 13111 Beaver Dam Road. Containing 1.021 acres, more or less, in the Eighth Election District.

445

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 6/1/94
Posted for: Variances
Petitioner: Daniel W. & Constance R. Ziegfeld
Location of property: 13111 Beaver Dam Rd. 8th
Location of Sign: Along roadway, on property being posted
Remarks: None
Posted by: M. Ziegfeld Date of return: 6/1/94
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 3, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 2, 1994.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON